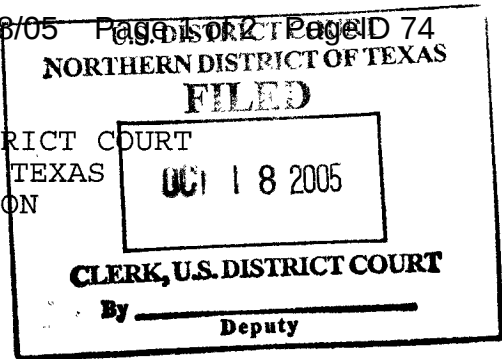


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



JORGE L. PONS, JR.,

Petitioner,

VS.

DOUGLAS DRETKE, DIRECTOR, TEXAS
DEPARTMENT OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS
DIVISION,

Respondent.

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NO. 4:05-CV-237-A

O R D E R

Came on for consideration the above-captioned action wherein Jorge L. Pons, Jr. is petitioner and Douglas Dretke, Director, Texas Department of Criminal Justice, Correctional Institutions Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On September 1, 2005, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation, and ordered that the parties file objections, if any, thereto by September 22, 2005. On October 11, 2005, petitioner filed his written objections.¹ Respondent has not made any further response. In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or recommendations to which

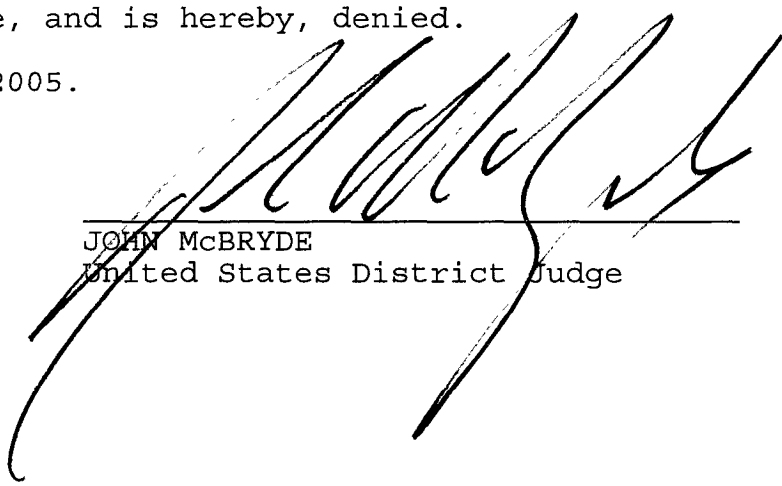
¹Petitioner filed his objections beyond the magistrate judge's deadline but avers he mailed them to the court on September 20, 2005. See Pet'r Objections at 9. Thus, the court concludes that the objections should be considered. See Thompson v. Raspberry, 993 F.2d 513, 515 (5th Cir. 1993).

specific objection is made. United States v. Raddatz, 447 U.S. 667 (1980). The court is not addressing any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

After reviewing petitioner's objections, the court concludes that no specific objections are contained therein. In fact, petitioner's objections wholly fail to address the grounds upon which the magistrate judge premised his recommendation; namely, petitioner's failure to proffer justifications for his state procedural default that would make the court's exercise of jurisdiction appropriate. See Henderson v. Cockrell, 333 F.3d 592, 605 (5th Cir. 2002), cert. denied, 540 U.S. 1163 (2004). Therefore,

The court accepts the findings, conclusions and recommendation of the magistrate judge and ORDERS that the petition in this action be, and is hereby, denied.

SIGNED October 18, 2005.



JOHN McBRYDE
United States District Judge